STREET SPIRIT

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JUSTICE NEWS & HOMELESS BLUES IN THE BAY AREA

Public Land for the Public Good

How the community came together to halt a luxury tower for the rich and win affordable housing for the people of Oakland.

by Sam Tepperman-Gelfant and David Zisser

Community members created a people's design for #SaveE12th and unveiled it at the future site. Photo by Rose Mari Taruc

The City of Oakland is currently considering five proposals for development on a prime piece of publicly owned land on the shore of Lake Merritt, just blocks from downtown and key transit hubs. Most, if not all, of the proposals include affordable housing, and one is a visionary, community-developed plan for 98 affordable units and plenty of green space.

If this sounds good to you, be sure to thank the neighbors.

In January, this outcome was unimaginable to all but a dedicated group of neighbors who make up Eastlake United for Justice (EUJ). At the time, the City was barreling forward with plans to sell the East 12th Street parcel at a discount for the development of a monstrous tower of luxury apartments for households making $120,000 and up — more than three times the median income for the neighborhood.

While the outcome seemed inevitable to some, Eastlake United for Justice had a different vision for the site and one overarching demand: use public land for the public good. Through fearless and relentless organizing using a range of strategies, including legal enforcement in partnership with Public Advocates and others, EUJ stopped the moving train of luxury development and steered the process towards a more equitable outcome.

Necessity, and a deep love for Oakland, brought EUJ together. "So many people came together because we all know the real material consequences of gentrification and displacement on low-income communities of color in Oakland," said Tia Hicks, who was born and raised in Eastlake.

"Alarming rises in rent and home sales in this city are pushing long-term, working-class residents out to more suburban areas that do not have adequate resources

See **Public Land for Public Good** *page 7*

Activists Stop Construction of Massive New Jails in San Francisco and Richmond

"The contrast was dramatic. Funding could be found for a jail, but not for a hospital. I think that aggravated and motivated a very passionate outcry from people in Contra Costa County."

— Kristi Laughlin, director of Faith Alliance for a Moral Economy

by TJ Johnston

Sherrifs put up barricades at San Francisco's Hall of Justice. Stever Rhodes photo

No new jails will be built — that's the clear message that activists sent to lawmakers in two Bay Area cities, and one that was heeded.

In a unanimous vote on December 15, the San Francisco Board of Supervisors turned down $80 million in state funds to pay for a jail with 384 extra beds. That relieved them of the responsibility for spending $240 million on the project over a 20-year period. The Board of Supervisors also agreed in principle to explore ways of enhancing mental health and drug treatment programs not tied to the criminal justice system.

The vote by the supervisors happened less than two weeks after activists from the No New SF Jail coalition staged a dramatic protest during a budget committee hearing in the board chamber, temporarily shutting down the meeting.

Similarly, the Richmond City Council in Contra Costa County passed a resolution last July not to allow construction of a new jail with 480 new beds in its neck of the woods. The City of Richmond also challenged the environmental impact report that supported the jail expansion. As a result, the California Board of State and County Corrections turned down the County's application for the jail.

Community-based organizations opposed to the jails hailed these rejections as victories of enhanced social services over the prison-industrial complex. The No New SF Jail coalition organized the drive. Among its members were Critical Resistance, Californians United for a Responsible Budget (CURB) and the Coalition on Homelessness.

In the East Bay, an alliance of labor, immigrant and faith-based groups fought against an expansion of the West County Detention Facility in Richmond. The East Bay group included Contra Costa Interfaith Supporting Community Organization, Faith Alliance for a Moral Economy and the National Nurses Union.

Anti-jail advocates on both sides of the San Francisco Bay say money can now be

See **Activists Halt Jails on Both Sides** *page 6*

Liberty City and the Christmas Miracle

A Column on Human Rights

by Carol Denney

Maybe it was a Christmas miracle. In the waning days of 2015, some funding was found in Berkeley to support an expansion of hours at two daytime drop-in centers, additional shelter beds through the holiday freeze, and a shuttle connecting the youth shelter to Youth Spirit Artworks, among other services for Berkeley's poor and homeless population.

Public money that presumably has been standing around at the water cooler shooting the breeze was finally put to work. In Berkeley, the question is never, "does Berkeley have the money?" Berkeley ranks tenth for income inequality among U.S. cities, according to Bloomberg, the organization which computes income disparity figures for cities nationwide with more than 100,000 people.

Even adjusting for a sizeable student population doesn't change the basic portrait of Berkeley as a playground for the 1%, slowly eroding what was once an impressively diverse and thriving small-town economy.

Only a few decades ago, easy jobs and cheap housing were everywhere in Berkeley. Anyone could meet basic needs on the minimum wage, which was $1.65. And while the University of California had just stopped being completely free, thanks to then-governor Ronald Reagan, the registration fee was still around fifty bucks.

There were boarding houses with shared kitchens, collective houses which always harbored a traveler or two on the couches in the living room, and tons of vacancies — so many that after UC Berkeley bulldozed the housing on the block that is now People's Park in 1967, the UC regents wouldn't vote them a dime to rebuild anything, leaving a rusty rebar-filled nuisance the community decided to collectively address.

This year, the same spirit came to the lawn of Old City Hall just before the holidays, in front of the building where the Berkeley City Council officially meets for city business, when an impressive network of people decided that waiting for the city to respond to a housing crisis and a homeless emergency was an exercise in eternity and decided to hold a sleep-in.

There had been some confusion over where to hold the sleep-in. A sleep-in earlier in the summer had been held at the downtown BART Plaza on Shattuck, while others suggested it should be at the steps of "new" City Hall on Milvia where the Berkeley City Councilmembers and the Mayor have their offices.

But Old City Hall on Martin Luther King still has some soft lawn despite the drought, and a sleep-in there would create greater public visibility for people headed into the council chambers to either support or object to new anti-homeless laws.

The vigil began on Monday, November 16, and continued overnight and throughout the next day, leading into an evening rally held just before the heated council debate on anti-homeless laws took place on Tuesday, November 17.

That was all that had been planned by *the activists, but thanks largely to the ini*tiative of homeless people, the sleep-in didn't end the next morning. It grew into several weeks of relative safety for people otherwise being shoveled out of parks like trash or hustled off public streets by the merchant groups' hired patrols.

The group of homeless people harbored at Old City Hall developed a functional government and leadership, communicative tools, and crafted "no drugs or alcohol" rules. They were better versed on their rights than the average bear.

When city officials finally came in and forced them out, the Liberty City protesters had made their point: as a group they were capable of taking care of themselves and each other. Liberty City was orderly, organized, and had so much community support there was often extra food, clothing and cold weather gear. Liberty City did what the City of Berkeley had refused for decades to do by simply creating a safe place where people can organize together for their own collective needs.

Homeless people set up tents at Old City Hall and showed Berkeley officials that they were able to take care of themselves and each other. Lydia Gans photo

Thanks to the initiative of homeless people, the sleep-in grew into several weeks of relative safety for people otherwise being shoveled out of parks like trash or hustled off public streets by the merchant groups' hired patrols.

Signs at the occupation at Old City Hall: "No Alcohol. No Drugs." Lydia Gans photo

City Councilmember Linda Maio says she sees no contradiction in her role in crafting new anti-homeless "two square feet" laws and this midnight effort to "close the gaps" in services for the homeless and poor, and perhaps she is sincere.

Consider it a call to arms, those of you who are incensed at seeing people huddled in doorways in thirty degree weather, especially knowing the high percentage of people in any homeless population who are people of color, who are veterans, who are disabled, who are struggling with serious illnesses, and the growing number of homeless families represented even in the inadequate county-based counts.

To all those who stood up to be counted in support of people on the streets: thank you for your speeches, your letters, your poetry, your song, your theater, your grit, your stamina, your creativity and your fire. Thank you to the advocates, street warriors, clergy, cooperative city staff, residents, students, and workers who are slowly turning the large indifferent ship of criminalization around in Berkeley's waters.

We may not represent all of Berkeley or the Bay Area, but we are able representatives of its conscience at its best.

Jails May Become the New Housing for the Homeless

No politician wants to be accused of working to eliminate jobs! So, the pressure to keep the prisons full is great.

by Nikki Hunt

As an intern for the American Friends Service Committee Healing Justice program, my work is mostly focused on mass incarceration issues. So when I heard that the Berkeley City Council had voted to add more laws that criminalize homelessness, my first thought was how this relates to our prison-industrial complex.

The number of people in prison has been decreasing recently. After a huge leap in the prison population in the 1990s and 2000s, closely linked to the "war on drugs," the numbers are now coming down.

Yet, our society has invested so much money and created so many jobs with the prison-industrial complex that a decrease in prisoners is not necessarily a welcome thing. No one wants to lose their job even if it means our society is heading in a healthier direction. And no politician wants to be accused of working to eliminate jobs! So, the pressure to keep the prisons full is great.

Criminalizing homelessness could be a great way to keep the prisons full. Misdemeanors can turn into arrest warrants, which can turn into arrests. This could be seen a double win — keeping the prisons full while also "solving" the homelessness issue by giving homeless people beds in prison.

It's similar to Jonathan Swift's famous "modest proposal" that Ireland's destitute could overcome their poverty by selling their children as food to the rich, thereby reducing the surplus population of poor people, and ending childhood hunger.

The new Berkeley rules are not the only way homelessness and prison are linked. Sam Levin reported in his article, "Alameda County Seeks Santa Rita Jail Expansion," that our government continues to look for funding for the prison system. Until March 2015, the Berkeley City Council had been allowing the Public Safety Realignment budget funds to go mostly to jail programs instead of to community programs to assist re-entry.

In March, they voted to commit 50 percent of those funds to programs in the community. Then, in June 2015, the Berkeley City Council voted to allow the Sheriff to seek funding for a jail expansion. November 2015, they received $54 million dollars for a jail expansion — one focused on mental health.

I ask, why do we need an expanded jail facility in a system that is experiencing a decrease in numbers? Why would we not be working to get funding for community programs instead?

When I heard about the new Berkeley rules, I thought about how many homeless people have mental health issues. A new mental health jail facility would be the perfect place to take in homeless people with mental health issues, people who have had their unpaid fines turn into arrest warrants.

We will have more of whatever we spend our money on. If we spend money on prisons, there will be great pressure to fill them with prisoners. We can choose differently. We can insist that our legislators choose differently.

If we refuse to choose more humane options, welcome to the new affordable housing of the future: prisons and jail cells for those caught on the street without homes.

One Night at Liberty City—Just Before the Raid

I had been homeless for two years in Berkeley and the things bound up in the protest reminded me so strongly of my own sentiments while I was without housing in this city.

by Genevieve Wilson

I had wanted to camp at least once at Liberty City once I learned how it had formed, partly because I wanted to see what was really up, and partly because I wanted to meet the participants I had heard so much about, and partly because I had been homeless for two years in Berkeley, myself, and the things bound up in protest reminded me so strongly of my own sentiments while I was without housing in this city.

So I borrowed a sleeping bag and mat from a friend, and I headed over to check things out at the occupation at Old City Hall after letting a few people know I was coming.

When I got there, I was warmly welcomed. A couple people toured me around the demonstration and explained its boundaries: there was a set of people directly affiliated with the protest, and then there were others who were not, for a variety of reasons. A speed dealer and his junkies had been moved on. Word had been put out about that. It was made clear that the protest itself was to remain clean and within legal bounds.

There was a table with food where the community's meals were served, and various members routinely made sweeps for trash. Decisions were being made by consensus through a general assembly Liberty City had itself set up.

Not long after I arrived, one of the protesters who had oriented me offered me a tarp for the ground, and then after some thought, my own tent for the night. He said he'd feel better about my safety in a tent. I told him I appreciated the offer, but then after some conversation and thought, I decided that since I used to sleep in a bivouac when camping, I felt content on the ground.

After that, someone put on a documentary film and it began to get colder, so I decided to go to bed. Others were turning in as well. I think it might have been 8 or 9 pm. I had left my cell phone at home.

I went to bed and someone else joined me on the lawn. It took me a while to get warm and fall asleep, but I did. Apart from the faint sound of the film in the background and my neighbors' conversations, it was quiet. No louder than you might hear at a campsite from neighboring campers. Certainly no louder than any nighttime gatherings at Cal.

It got very quiet until I woke up around 2 a.m. to two people arguing. Not terribly loudly, but clearly conflicting over the way one person was treating his dog. A woman was telling a man to stop mistreating his pet. The man was objecting, insisting he could treat the dog as he liked. After a few minutes, others had woken up as well and also became frustrated. They all told the pet's owner to knock it off. He did, and we all went back to sleep. I thought that was pretty run-of-the-mill community accountability.

After that, I didn't wake up again until dawn. I stayed in bed until a few others were up as well, and then headed down to Trader Joe's and back to use their restroom. I had a conversation on the way out with a clerk, who was curious about the protest. She said, "As long as they keep things organized and legal, what they're saying makes perfect sense to me. They're welcome to the restroom as far as I'm concerned."

Genevieve Wilson (*second from left*) took part in the first overnight vigil at Old City Hall on November 16-17, and later spent a night at Liberty City.

By the time I got back with some gingerbread cookies, several things had changed. There had been a morning trash sweep, people were discussing what to do about breakfast, and the bike chop shop that had been on the opposite side of the lawn had been 95 percent cleaned up — all by about 8:15 a.m. I thought, "That's more productive than a lot of folks I know first thing in the morning."

For the duration of time I was there, I never once witnessed any illegal drug use. To my knowledge, no addicts stumbled through in the middle of the night. I gave some thanks, made a few farewells, and heard a few last stories before promising I'd visit again.

But I didn't make it back before Liberty City was raided. I spent the day of the raid in tears, reckoning with our community's intolerance. I pray that this can change. I believe there is hope. How can there not be?

There was a stabbing just prior to the raid which I'm sure raised valid concerns about safety. But to be clear here, I would like to make the point that the perpetrator was an outsider and not part of the demonstration.

Liberty City was a demonstration with two clear requests:

1. **Participants asked that a set of proposed city ordinances effectively targeting the homeless be stricken entirely.** The reasons for this request were that, in addition to their punitive nature, it became clear that in all likelihood their passage would adversely affect Berkeley's future affordable housing applications with HUD. Applying with HUD will be more competitive than ever this year: five million dollars in affordable housing monies as well as 130 Shelter Plus Care vouchers for Alameda County may be jeopardized now that the Berkeley City Council has voted to adopt this set of ordinances. The City Council was asked at the meetings on November 17 and again on December 1 to consider waiting to make any decision until HUD could be contacted about these concerns, but the council refused.

2. **Liberty City also asked the City of Berkeley to discuss establishing a permanent tent village, as some other cities have successfully done.** They would like this to be done with their help in planning, and it is a request that has been made repeatedly over many years. But as with the first request, it remains unaddressed by the City.

And so the protesters that formed Liberty City continue to find ways to make their voices heard. I think they plan to hold out hope. Discussing alternative housing solutions is also part of the Homeless Task Force's Tier 2 Recommendations to City Council.

I feel grateful for their perseverance, even with health issues and amidst an El Niño year. Because I fear we've fallen prey to the kind of undiscerning intolerance that robs communities of their diversity. I've seen them steel themselves against that right up until this past week with such heavy rain.

I hope that sooner, rather than later, we will find the courage to listen to what they have been saying to us. I believe that they and those who continue to support them have the greatest good in mind.

Genevieve Wilson chairs the steering committee for Berkeley's Homeless Task Force and works at the Acme Bread Company in West Berkeley.

BEATITUDE

by Claire J. Baker

Believing that love
silently expressed
will be heard
and silently answered,
we need not celebrate
by trumpet blast,
tambourines, a dance
around the block,
need not kneel to pray
in the garden of moonlight.

Love
in its own quiet way
feels like enough.

Season's Greetings,
Peace and Love 2015

Ark of Loneliness

by Peter Marin

Filing in, one by one,
as if into an ark
of loneliness, out of the rain
the shelter, its gray
emptiness anchored
at the bottom by green cots
arranged in rows, boots
tucked under, men asleep,
rocked on the surface
of watery dreams by a
great storm never to end.

Gimme Some Truth

Compiled by Daniel McMullan

I've had enough of reading things by neurotic psychotic pigheaded politicians. All I want is the truth, just gimme some truth. — *John Lennon*

How far that little candle throws his beams! So shines a good deed in a weary world. — *William Shakespeare, The Merchant of Venice*

Promise me you'll always remember: You're braver than you believe, and stronger than you seem, and smarter than you think. — *A.A. Milne, (Christopher Robin to Pooh)*

He said also to the one who had invited him, "When you give a luncheon or a dinner, do not invite your friends or your brothers or your relatives or rich neighbors, in case they may invite you in return, and you would be repaid. But when you give a banquet, invite the poor, the crippled, the lame, and the blind. And you will be blessed, because they cannot repay you, for you will be repaid at the resurrection of the righteous." — *Luke 14:12-14*

You were ordered to obey to Allah, and you were created to perform good deeds. — *Hazrat Ali Ibn Abu-Talib A.S*

And once the storm is over, you won't remember how you made it through, how you managed to survive. You won't even be sure whether the storm is really over. But one thing is certain. When you come out of the storm, you won't be the same person who walked in. That's what this storm's all about." — *Haruki Murakami*

Street Spirit

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San Mateo County Renters Fight Rising Evictions

"It's destroying communities. It's really tearing apart families and communities and ties."
— Daniel Saver, Community Legal Services

Many low-income families living in the shadow of Silicon Valley's enormous wealth are being threatened with evictions.

by Joseph Smooke and Dyan Ruiz

A group of community workers, along with mostly Latino and African American working-class parents, hold hands in a prayer vigil at a suburban Bay Area neighborhood. They huddle together in the shade on the front lawn of a townhouse complex as their children play with protest signs and run around with friends.

So close to San Francisco with its rent control and modest eviction preventions, the Silicon Valley city of San Mateo provides no security for tenants. The renters at 1824 El Parque Court are not the only ones threatened with eviction. San Mateo has no Rent Stabilization Board to compile reliable statistics. Tenants in several other buildings — 910 Clinton St. and the Park Royal among them — also got eviction notices in previous months.

"We see a lot of buildings being flipped through speculation and hundreds of families being left without a home, having to leave the area completely, or move in with another family member," says Aracely Mondragón, San Mateo County community organizer for the San Francisco Organizing Project/Peninsula Interfaith Action (SFOP/PIA), which organized a vigil to bring attention to the evictions at El Parque Court while escalating a campaign about the plight of Black and Latino working families in San Mateo and Santa Clara Counties.

With help from SFOP/PIA, renters in several cities in San Mateo County have begun to organize, which is starting to catch the attention of some local lawmakers. San Mateo City Councilmember David Lim was recently quoted saying that he supports just cause eviction protections, but it will be challenging to get legislation passed.

San Mateo County touches San Francisco's southern border and is home to some of the largest and most recognizable tech firms in the world. YouTube, Electronic Arts, Facebook, and Oracle anchor this northern part of Silicon Valley, which houses three million people, and stretches south down the length of the peninsula to San Jose and back up the east side of the Bay to Fremont.

Companies on the San Francisco Peninsula employ more than 300,000 tech workers who earn an average of nearly $200,000 per year. This means that a huge number of people, roughly equal to three quarters of the population of Oakland, are making a tremendous amount of money in the Bay Area. Many are young professionals wanting to live in San Francisco, but with the extraordinary demand for housing and the crowded ranks of high wage earners, the spillover from San Francisco to neighboring San Mateo County is intense.

Despite this increasing high-end demand for housing, income disparity dominates the social and economic landscape. At the top, high-profile tech firms are paying elevated wages to secure top talent. At the bottom, "the average income for Hispanics, who make up one in four residents in Silicon Valley, fell to an all-time low of $19,000 a year," according to the annual Silicon Valley Index.

According to the *Wall Street Journal*, "Blacks and Latinos make up a sizable share of low-wage workers cleaning and guarding Silicon Valley tech companies, where the technical workforces are overwhelmingly white and Asian." Statistics in the article make the divide even clearer. Latinos make up 69 percent of the janitors in Santa Clara but only three percent of Google's workforce.

As the demand for housing from a highly compensated workforce continues to grow, landlords are eager to cash in. Why rent to a janitor when you can rent the same unit to an engineer whose paycheck is 10 times larger? Without renter protections, it's easy for a landlord to evict a tenant or clear out an entire building or just keep raising the rents. If an existing tenant can pay, they can stay, but the increases inevitably become too much.

An internet search reveals several San Mateo County businesses dedicated to helping landlords evict tenants, such as Professional Eviction Services, whose website says: "When you need to clear your home, apartment, or commercial property of its tenants, search no further than our tenant eviction service company..."

"With the current market and the housing crisis, we're seeing landlords and investors taking advantage of the weak legal protections, exploiting the holes that exist in the law in order to turn a quick profit," says Daniel Saver, housing attorney at Community Legal Services of East Palo Alto. "In the wake behind them, there's a

See **San Mateo Evictions** *page 5*

In the Shadow of *Bell v. Boise*

Homeless people in Santa Cruz are being criminalized on the basis of status alone, in violation of their Eighth Amendment right to be free from cruel and unusual punishment.

by Steve Pleich

In Santa Cruz, advocates for people experiencing homelessness — including the Freedom Sleepers whose continuing actions at the Santa Cruz City Hall have been the subject of several reports in *Street Spirit* — have been working to directly address the criminalization of homelessness and calling for the repeal of the city's camping/sleeping ban.

Beginning on July 4, 2015, activists have been consistent in their position that ordinances prohibiting and criminalizing lying, sitting, and sleeping in public are unconstitutional and pose a grave danger of being selectively enforced against an entire class of people.

In August, this position found unexpected support from the Obama administration. A Statement of Interest submitted by the U.S. Department of Justice (DOJ) in the U. S. District Court case of Janet F. Bell, et. al v. City of Boise, et. al reflected a dramatic shift in federal policy away from criminalizing homelessness. The statement articulated a legal framework that went to the heart of homelessness.

Writing for the DOJ, Civil Rights Division Attorney Sharon Brett noted, "When adequate shelter space exists, individuals have a choice about whether or not to sleep in public. However, when adequate shelter space does not exist, there is no meaningful distinction between the status of being homeless and the conduct of sleeping in public. Sleeping is a life-sustaining activity — i.e., it must occur at some time in some place. If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless."

The Statement from the Department of Justice concluded: "Thus, criminalizing homelessness is both unconstitutional and misguided public policy, leading to worse outcomes for people who are homeless and for their communities. If the Court finds that it is impossible for homeless individuals to secure shelter space on some nights because no beds are available, no shelter meets their disability needs or they have exceeded the maximum stay limitations, then the Court should also find that enforcement of the ordinances under those circumstances criminalizes the status of being homeless and violates the Eighth Amendment to the Constitution."

Regrettably, the Boise case was dismissed on standing grounds but it continues to have a profound impact on the criminalization of homelessness and particularly on the enforcement of camping bans by local municipalities.

Speaking at a December forum on homeless rights hosted by the Freedom Sleepers in Santa Cruz, Tristia Bauman, Staff Attorney for the National Law Center on Homelessness and Poverty (NLCHP), said, "Criminalization of people experiencing homelessness has risen more than 60 percent nationwide and that trend is almost certain to continue. The Bell statement may be the opportunity to move challenges to camping bans from city hall to local courthouses."

Activists in Santa Cruz are vigorously lobbying the NLCHP to commence a Bell v. Boise-based lawsuit in Santa Cruz and the American Civil Liberties Union of Santa Cruz County has formally requested legal assistance from the Northern California affiliate.

Said ACLU Chapter Chair Peter Gelblum, "In our view, the situation in Santa Cruz is legally indistinguishable from the situation in Boise."

But the DOJ's statement in the Bell case has had one other welcome yet unexpected impact in Santa Cruz. The police and park rangers seem increasingly reluctant to issue citations for violation of our local camping/sleeping ban.

A survey of pre-Bell citations indicated that a very large percentage of the tickets issued were for violations of Santa Cruz Municipal Code Section 6.36.010, the camping/sleeping ban. Yet a second survey of 1457 citations issued between September 15 and November 3, 2015, showed that just 75 of those citations were for violation of 6.36.010.

Indeed, word on the street from our homeless allies seems to confirm this situation. Says a longtime homeless community member, "The SCPD and Park Rangers don't want to give us tickets for sleeping. This is a big change from just a few months ago."

Clearly, the powers that be in Santa Cruz are trying to proactively head off any prospective Bell v. Boise style litigation challenging the camping/sleeping ban. But does this seeming abundance of caution come too late?

The dismissal of Bell in federal court was based upon the factual finding that none of the plaintiffs had been issued tickets for violation of the challenged ordinance. This is not the case in Santa Cruz.

Although the issuance of camping ban tickets has slowed, there is no shortage of homeless community members who are still receiving tickets and whose cases are still working their way through our local court system.

In Santa Cruz, there is little doubt that people experiencing homelessness are being criminalized on the basis of status alone, in violation of their Eighth Amendment right to be free from cruel and unusual punishment.

Our entire community, unhoused and housed alike, is living in the Shadow of Bell v. Boise. The hope is that we can all emerge into the sunlight equally free.

Steve Pleich is a member of the Freedom Sleepers and an advocate for homeless rights in Santa Cruz and Santa Cruz County.

Laura's Law Turns a Psychiatric Diagnosis into a Crime

Laura's Law criminalizes mental illness. Those labeled "noncompliant" can be subjected to involuntary treatment and forced into the criminal justice system even though they have committed no offense.

by Jack Bragen

Laura's Law, the state legislation that enables the court system and county employees to force involuntary treatment, including forced medication, on people with mental health diagnoses, is spreading like cancer across California, county by county.

Since the passage of Proposition 63 (the Mental Health Services Act) in 2004, implementation of Laura's Law has been approved in Contra Costa County, the City and County of San Francisco, Los Angeles County, Nevada County, Orange County, San Diego County, Placer County and Yolo County in California.

Those who promote this atrocity have discovered a way of spreading it by sweetening it with Proposition 63 funds, money originally intended to go toward mental health consumer groups, patients' rights and self-help nonprofits.

Laura's Law provides for dealing with those with mental illness via the criminal courts, in the absence of a mentally ill person having committed any offense. The presumption is that because you are mentally ill, you are about to go out and commit crimes; and since you are a threat to society, you must be protected from yourself.

Proponents of Laura's Law claim that they are preventing crime and helping mentally ill people get treatment they need. However, this law provides for court-ordered, involuntary treatment in cases in which a mentally ill person has done nothing wrong, other than possibly not taking psychiatric medication.

The stated premise is that the mentally ill person, due to the disease, lacks the insight that they are ill. While this premise may be accurate some of the time, Laura's Law is a bad piece of legislation, and it was written in a space of hate toward mentally ill people.

This law was originally introduced as Assembly Bill 1421, and was passed by the California Legislature in 2002. It provides for court-ordered, involuntary outpatient mental health treatment, handled by county governments. The law is written such that county supervisors of the various counties must approve the usage of the law's provisions.

PHARMACEUTICAL FUNDING

It is vastly supported by the National Alliance on Mental Illness (NAMI), a nationwide advocacy group that receives the majority of its funding from pharmaceutical companies, because desperate parents have been brainwashed into believing it is a solution to problems of "noncompliance" of their offspring.

Although many persons with mental illness need more help than they are getting, Laura's Law is not the solution. Furthermore, some people stand to gain a lot of profit from the usage of this law. It will sell a lot of medication, and it is a cost-cutting tool for cash-strapped counties with supervisors who are not inclined to adequately fund good mental health treatment. This law is also seen as a way of targeting people who have been considered nuisances but who aren't necessarily harming anyone.

Although I am a "compliant" medication-taking mental health consumer, my emotional response to the spread of Laura's Law is mostly that of fear. But also I feel outraged. I believe that this law will prevent persons with mental illness from making a good, lasting recovery.

For those of us who will likely need to take medications for the rest of our lives, Laura's Law, because it uses force, disrupts an essential learning curve. When force is used, resentment is produced.

We have seen this time and time again throughout human history — force is bad in the present and past, and force will continue to be bad in the future. When force is used on people with chronic mental illness, it doesn't give us the chance to sort things out and to learn from our own mistakes.

CRIME AGAINST THE HUMAN SPIRIT

For those who could possibly get past their illness and create a recovery not dependent upon taking meds, the forced treatment of Laura's Law is an appalling crime against the human spirit.

Many who have read what I have written may realize that my perspective is dichotomous. I believe that mental illnesses are actual biologically caused conditions and should be treated. However, I also believe there is a tremendous amount of unnecessary cruelty in the mental health treatment systems. I also believe that it is far better to teach by example rather than to try to force people to see it your way. This is why, while I believe mental illnesses require treatment, Laura's Law is a grave mistake.

Over the years, I have been medicated, and I believe this has helped me. However, I realize that this is not everyone's ideal path. There are some who would be better off weathering their mental illness rather than having medication forced on them. Moreover, for them, the "treatment" is far worse than the purported disease.

Laura's Law is now receiving Proposition 63 funds. This is money that was originally intended to go toward consumer-run patients' rights and self-help groups. Laura's Law creates fear among us, even those who are cooperative with their treatment. We fear that we could be ordered by a judge to participate in what is termed "assisted outpatient treatment." The word "assisted" is a nice way of saying the "treatment" is forced.

Laura's Law criminalizes mental illness. It turns having a psychiatric diagnosis into a crime. When someone is accused of being mentally ill and "noncompliant," they can be funneled into the criminal justice system immediately by means of Laura's Law.

The only recourse of a "subject" is that of going to the public defender, going to a court hearing, and trying to prove that you do not need forced treatment under Laura's Law. Someone with mental illness is guilty until proven innocent under this law. According to the text of Laura's Law, the burden of proof is on the subject.

Laura's Law does not provide any provision for making sure the treatment forced on people is done in a humane manner. It calls for "multidisciplinary teams of highly trained professionals," but gives no definition of this. Anyone that has a pulse could be deemed a "highly trained professional" under Laura's Law, because nowhere in the law is there a criteria for who can be on a "team" and who cannot.

10 PROBLEMS OF LAURA'S LAW

The problems with Laura's Law include, but are not limited to, the following:

1. Laura's Law takes money away from the patients' rights organizations by ripping off Proposition 63 funds. The original intention behind Prop 63 was partly to fund patient-run organizations.

2. It creates fear among persons with psychiatric disabilities.

3. It uses force to get people medicated; when force enters the equation, resentment is produced and this interferes with the learning curve of the patient gaining insight into his or her condition.

4. It lacks an adequate system of checks and balances that would assure people are not treated cruelly or incompetently.

5. It is a way to target those who county officials believe to be troublemakers.

6. It is a way to sell drugs and tobacco to maintain the profits of the giant pharmaceutical and tobacco companies.

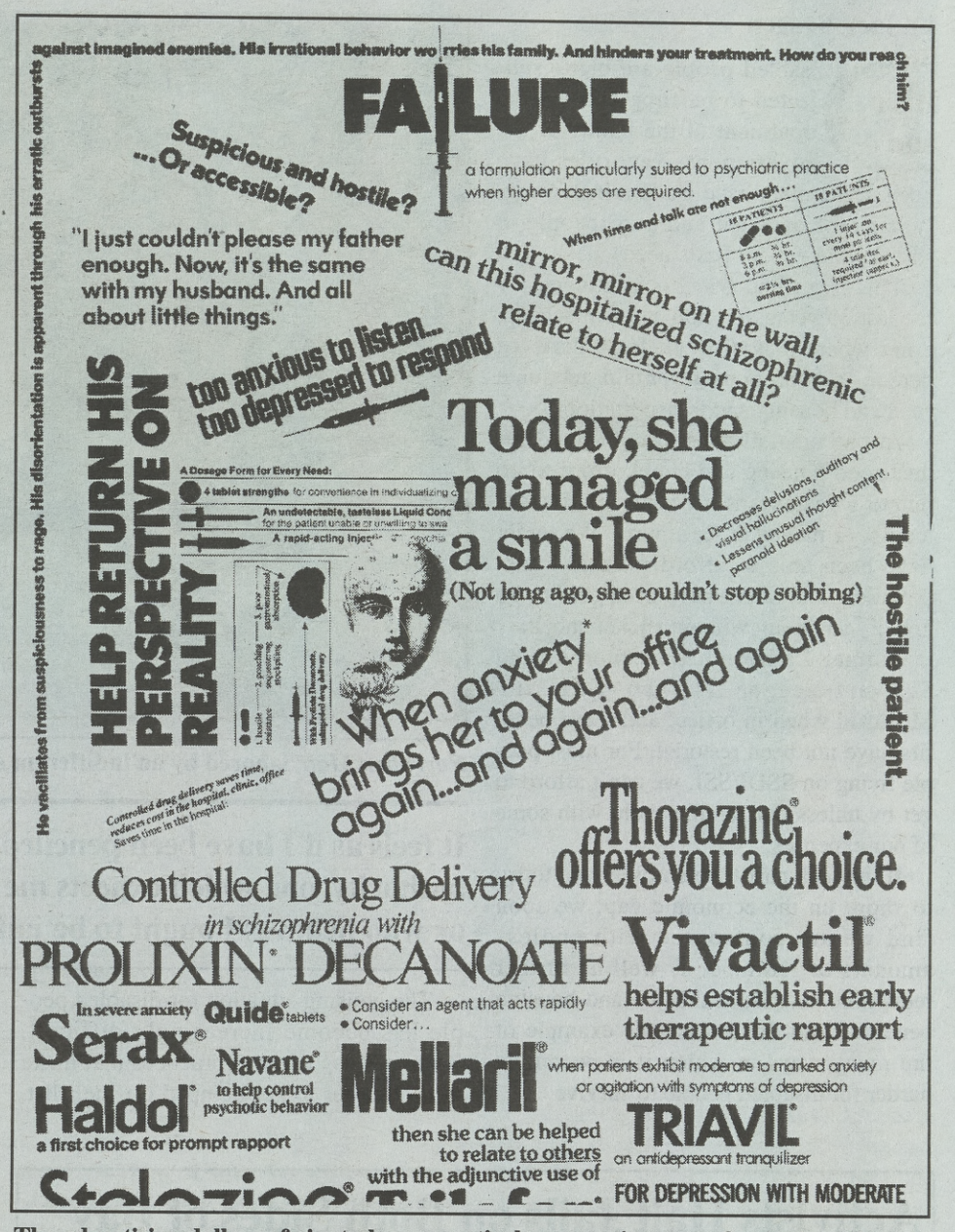
7. It violates basic human rights.

8. It entangles people who have committed no crime in the criminal justice system.

9. Statistics given probably do not follow people over a period of years or even decades.

10. Statistics cited by proponents of Laura's Law are questionable, and they are often furnished in the absence of any sort of context.

It feels almost hopeless to continue speaking out against Laura's Law, yet I cannot remain silent. One of my goals is to raise awareness about mental illness, as well as the hardships of living in our society with a mental health diagnosis. I hope that people will think more deeply about this subject, so that we at the least can have a more balanced dialogue, a dialogue in which the voices of mental health consumers have been largely missing.



The advertising dollars of giant pharmaceutical corporations push a barrage of mind-damaging medications on the public. Graphic from Madness Network News Reader

San Mateo Evictions

from page 4

trail of human cost. It's destroying communities. It's really tearing apart families and communities and ties that make San Mateo such a great place to live!"

Residents at the El Parque Court vigil talked about what this meant to them. One mom with two young children had lived there for seven years. Her daughter was still recovering from an ear implant.

"We received the eviction notice on July 7, saying that we have to vacate our apartment in 60 days," she said, speaking in Spanish. "I am so sad about this. We had been fighting so hard for my daughter to get her implant, and the eviction notice came at roughly the same time as her implant. These were two very difficult things to handle at the same time."

Another mom told us that it's hard to find a new place that takes kids, because landlords often restrict households to no more than four people. And moving at the end of the summer means not just finding a new place, but also getting children enrolled in a new school.

"My kids were born here, so they're scared to move to another place," she told us. "They think that this is their home and they're worried about changing to another place, changing schools, and missing their friends. That's why, for me it's very difficult... and necessary to support vigils like this one."

This certainly won't be the last vigil for SFOP/PIA.

"We should start with just a baseline of tenant rights, like rent stabilization, just-cause and relocation benefits," says Mondragón, who remains steadfast despite a well-funded lobby anchored by the Apartment Association working to defend the rights of property owners at the expense of tenants.

"There is huge opposition but I think that we can continue to lift these eviction cases up and make tenant protections more feasible. And if not, you know, we'll go to the ballot."

Dyan Ruiz and Joseph Smooke are co-founders of [people. power. media]. This article is a co-publishing project of [people. power. media] and *Reimagine! RP&E*.

Penciled Out of Existence by Some Grand Authority

by Jack Bragen

Disabled people are being subjected to baffling and unkind treatment at the hands of the government. New rules have been written that have made it increasingly hard for disabled and poor people to survive and get our basic needs met.

This is a trend that has continued for the last 30 years, but now it has reached a point where it is difficult for a disabled person to even hope to obtain adequate food and housing and transportation.

At one time, disabled people could get into good housing and could afford to go out to a restaurant a couple of times a month, or maybe order a pizza. We might have been able to afford reliable transportation, and might have been able to go grocery shopping without sticker shock.

Former California Governor Arnold Schwarzenegger slashed SSI and Medicaid when in office, and these benefits have not been restored. For most people living on SSDI/SSI, we can't afford to get by unless our families help with some of our expenses.

If we seek part-time employment to try to shore up the economic gap, we soon find we are confronted with endless amounts of red tape, as well as further reductions in SSI, healthcare and housing benefits. And this is just one example of the many ways in which it is becoming harder for disabled people to survive.

Forgotten Man, **ignored by an indifferent society.** Painting by Maynard Dixon

It feels as if I have been penciled out of existence by some grand authority, one which expects me to disappear into nothingness, or who believes I ought to be jailed, homeless or just dead.

The housing situation for disabled people has become increasingly difficult. Section 8 has adopted practices that make it a lot easier to get bumped off their list. To make matters worse, almost no landlords accept Section 8, and most of those who do are renting out units in bad neighborhoods where it is hazardous to step outside one's front door (or stay home, for that matter).

Thus, many people who are disabled and who can't afford the skyrocketing rents are merely one pen stroke away from homelessness.

Social Security has adopted new intimidating methods for interviewing disabled people. These methodologies are quite bogus and are designed to induce fear. In the interview, you are told that you are speaking "under penalty of perjury." This strategy is apparently intended to frighten disabled people into 'fessing up.

In my last interview with Social Security, I flipped out and said I was taking "the Fifth Amendment." There was no real reason for me to do that. They had succeeded in scaring me to the point where I had become irrational.

Food prices have risen. Some supermarkets have become places that cater to rich customers. Those with less money are relegated to Wal-Mart, Dollar Tree, and the food bank. If you do not have the appearance of someone who is affluent, and you go to a supermarket, people start making remarks to you. You are presumed a criminal because you have gone to a supermarket in an older car, and in clothes that bespeak not being in the rich people's club.

Owning a car isn't affordable for lower income people any more. The expenses of

See **Penciled Out of Existence** *page 7*

Activists Halt Jails on Both Sides of Bay

"I'd rather go down in history as someone opposing something that is wrong than accept money that is going *to continue to destroy people's lives.*"

— London Breed, president of the San Francisco Board of Supervisors

from page 1

freed up to bolster programs for mental health, substance abuse treatment, housing and other priorities over incarceration.

KINDER, GENTLER JAILS?

The promise of such services in new, kindler and gentler jails was something the Board of State and County Corrections used to entice counties to apply for funding under Senate Bill 863, state legislation that would finance local jails. In November, the state board approved $500 million for 15 county jail systems, including five in the Bay Area.

But opponents say jail construction creates collateral damage to their communities, and revamping these facilities is something they don't want or need. Jessica Calderon, an advocate at Project WHAT who counsels children of inmates — and whose father was incarcerated — said jailing a parent takes an emotional toll on families.

"In all my time working to facilitate contact visits between children and their incarcerated parents, I have never heard a child ask for a nicer jail for their fathers or mothers to be contained in," she said.

"What I have heard many times is the sound of children crying when leaving the visit because they want nothing more than their parent to be home with them."

London Breed, president of the San Francisco Board of Supervisors, cited her brother's addiction and criminal history as a motivation for her "no" vote at the December 15 meeting. As the proposal for a new jail wended through the board for almost two years, she voiced her doubts about the project. Even when she voted to apply for the state grant last July, she vowed to vote against the jail if it was too big and costly.

"I'd rather go down in history as someone opposing something that is wrong than accept money that is going to continue to destroy people's lives," she said.

Departing Sheriff Ross Mirkarimi began the push for jail expansion, continued by his successor Vicki Hennessy. Mirkarimi said the facility housing the two jails at 850 Bryant Street was seismically unsafe. However, the jail population dwindled to its lowest point in over 30 years, because of pretrial diversion and alternative sentencing programs. As of December 5, San Francisco county jails housed 1,270 inmates in a 2,432-bed system, according to Sheriff's Department estimates.

The No New SF Jails coalition pointed out iniquities inherent in the penal system in San Francisco. While the African-American population shrunk to 6 percent citywide over a 40-year span, African Americans make up almost half the inmates in county jails. Also, 75 percent of inmates have substance abuse issues and 14 percent have severe mental illness, according to the city's Department of Public Health.

But possibly the most telling sign comes from a Sheriff's Department estimate of 85 percent of inmates held in pretrial custody. It's likely that these inmates are unable to afford to post bail. A subcommittee of the city's Re-entry Council and the Coalition on Homelessness found that jails act as de facto homeless shelters: 30 percent of the city's homeless population have spent at least one night in jail during the last year. In a report released last year, the Coalition on Homelessness discovered that most homeless people, and some poor, housed folk, were likely to leave jail without stable housing.

Earlier in the year, Contra Costa County Sheriff David Livingston pushed his plan to add 480 beds in the West County jail without fanfare, but he hit a couple of sore spots in the community. For one, Livingston wanted to use $1.43 million in leftover state realignment funds meant for re-entry services toward the jail expansion.

PASSIONATE OUTCRY IN EAST BAY

Another critical point was the recent closure of the Doctor's Medical Center in San Pablo due to lack of county funding.

Kristi Laughlin, director of Faith Alliance for a Moral Economy, said that was a reminder of what she saw as misplaced priorities. "The contrast was dramatic," she said. "Funding could be found for a jail, but not for a hospital. I think that aggravated and motivated a very passionate outcry from people in Contra Costa County."

Among the critics was Tamisha Walker, an organizer with the Contra Costa Interfaith Supporting Community Organization. Walker, who was incarcerated in her youth and early adulthood, said such money should be allocated for health care and personal counseling. She noted that if better services were available when she was younger, she and her mother would have gotten addiction treatment sooner, and she would have avoided being caught up in the criminal justice system.

Like the county jails in San Francisco, the West County jail in Richmond operates at half-capacity: an average of 605 beds are used in a building that houses 1,096, raising the question, "why create a bigger jail for fewer inmates?"

The U.S. Immigration and Customs Enforcement agency rents 150 beds for undocumented people in custody, drawing criticism from the immigrant community.

UNDER-THE-RADAR CAMPAIGN

Additionally, the county sheriff's department held just one public meeting with city officials while convening closed-door conferences with other stakeholders. Laughlin said Sheriff Livingston's under-the-radar campaign to expand the West County jail isn't unique to Contra Costa County.

"It seemed like the common denominator in these jail fights is that they seemed to move very quietly," she said. "I think they know there's a discrepancy in how the public feels about mass incarceration and more money spent on jails and prisons, and how much we're tolerating people being incarcerated and funding the apparatus of the status quo."

Activists in Contra Costa had to move fast before the August 28 deadline for the county's application. In response to the jail proposal, the Contra Costa Interfaith Supporting Community Organization submitted a "community budget" to county officials. The interfaith group asked them to invest in re-entry services, health care and mental health facilities, job training, temporary housing services and mentoring and navigation services. It also moved people to contact county and state lawmakers and write letters to the state corrections board.

Walker said the community mobilization was a key. "We had organized so well and changed the narrative that we were welcoming people who have been incarcerated," she said, adding that people began to recognize the relationships between mass incarceration and the increases in crime among people without access to housing and services.

Though the Contra Costa Sheriff's Department touted in-custody services as a boon for the county, Richmond Mayor Tom Butt and Supervisor John Gioia said if money is available for such services, residents shouldn't have to be arrested to access them.

The Richmond City Council voted to oppose the plan. Also, the Contra Costa Board of Supervisors' vote fell short of approval, thanks to Gioia's opposition. The rejection on both municipal and county levels doomed Sheriff Livingston's proposal.

Walker said that unlike earlier efforts against jail expansion, the timing made winning hearts and minds easier. "If this had been five years ago, we wouldn't have won," she said. "We hadn't changed enough mindsets and changed the dominant narrative enough. Once we built enough alliances and (could) bring system relationships to the table for a common goal, that's what set Richmond apart."

Public Land for the Public Good

from page 1

and infrastructure, such as social services and public transportation. Essentially, inequality is exacerbated. We refuse to stand by and let that happen. We also want to protect the cultural vitality, vibrancy, and diversity of the city — it's what makes Oakland special."

Indeed, between 2000 and 2013, Oakland lost more than 24 percent of its African American population, while the white population increased by 25 percent; and the number of renters paying over 50 percent of their income towards rent increased by 39 percent. EUJ members felt this housing and displacement crisis at first hand and knew that it was critical to use public land to serve the needs of existing Oakland residents.

Eastlake neighbors began by organizing themselves and also marshaled a host of resources behind their cause. They networked with other community groups, such as Black Seed, Asians for Black Lives and Causa Justa::Just Cause, to build people power. They tapped into the affordable housing community to get expert advice from housing finance economists and architects about the nuts and bolts of development so that they could engage on equal terms with city staff and developers. They met with Oakland City Council members and staff to tell their stories and brought dozens of people to speak at public hearings.

They held rallies and protests at City Hall and in City Council chambers. They engaged in compelling media advocacy to make their case and build pressure. And they embraced legal enforcement as an important tool to support organizing.

California law and local Oakland ordinances establish clear rules for the disposal of city-owned property. Oakland had ignored them all. Specifically, the California Surplus Land Act requires cities and other local agencies that are selling off land they don't need to prioritize the land for affordable housing, schools or parks.

This thoughtful statute recognizes that finding space for public-serving uses is difficult, particularly in areas near transit. Therefore, public land, when available, must be prioritized for the public good.

As of 2015, the Surplus Lands Act also requires a minimum percentage of affordable homes in all housing developments on public land. In May 2015, Public Advocates, along with the Public Interest Law Project and the law firm of Siegel and Yee, explained these requirements in a letter to the City, noting that Oakland had failed to follow both the procedural and substantive requirements of the law in the case of the East 12th Street parcel.

As it turns out, the City Attorney had told the City Council the same thing months before. A final City Council vote was scheduled to take place on July 7, 2015, but the day before, the *East Bay Express* published a leaked memo from the City Attorney's office dated February 17. The memo states clearly that the East 12th Street property is subject to the Surplus Lands Act and notes that a nonprofit developer had been "rebuffed" by city officials. Consequently, the Council quietly removed the item from the agenda and started the process over on July 14.

It wasn't the only dramatic moment in this fight.

In May, Black Seed and Asians for Black Lives linked arms to shut down the City Council meeting, preventing a vote on the project scheduled for that night. And at a City Council meeting in June, the very day that Public Advocates and our co-counsel sent a demand letter to the City Attorney, more than 90 people spoke out in opposition to the project.

The City Council surprised everyone by listening to the public's demands and voting against the 100 percent luxury development. Councilmembers even expressed concern over the lack of compliance with the Surplus Lands Act. The tide was clearly turning.

In an effort to diffuse community opposition to the luxury high-rise, the developer offered $8 million to build affordable housing on another site. But in the absence of a neighborhood site being identified for the promised affordable housing, EUJ did not back down from its opposition to the luxury tower that would gentrify the City-owned site.

Following its success in opening the door for development that serves Oakland residents, EUJ kept up the momentum to illustrate the community's vision for the project. "Our coalition immediately went to work developing a celebratory community process and doing grassroots outreach for it," said Dunya Alwan, an EUJ member.

"We created an event called E 12th Wishlist, which was family-friendly, consisting of free food, performances, and a 'Design and Imagine' tent where local architects and planners invited community members to consider the best use of the site."

According to Alwan, event participants enjoyed vibrant discussions and recorded their hopes and ideas for the site on hundreds of feedback cards. They also took part in a design exercise, which resulted in over 30 participant-drawn plans and elevations with elements of housing, business and services, and community and open/green spaces.

Thanks to EUJ's persistent organizing, the use of legal and other advocacy tactics, and strong media attention — plus, a bit of luck — the City has multiple proposals to consider and must negotiate "in good faith" with developers proposing to use the site for affordable housing. It must prioritize proposals that include the highest number of affordable homes for people of the lowest incomes. And perhaps most importantly, the City knows that community members and advocates will be watching how it disposes of public land in the future. The message is still loud and clear: *public land for the public good.*

Sam Tepperman-Gelfant and David Zisser are attorneys with Public Advocates, a public interest law firm in San Francisco. This story first appeared in *Race, Poverty & the Environment,* Volume 20-2.

Community activists held an event called E 12th Wishlist, a family-friendly event with a "Design and Imagine" tent where local architects and planners invited community members to consider the best use of the site. Photo: BASAT

Thanks to the persistent organizing of Oakland activists, the City must prioritize proposals that include the highest number of affordable homes for people of the lowest incomes. Most importantly, city officials know the community will be watching how it disposes of public land in the future. The message is loud and clear: *public land for the public good.*

Penciled Out of Existence in America

from page 6

owning a vehicle are far beyond what is affordable on public benefits or low-paying jobs.

Then, there are the buses. If you live in Contra Costa County, you could be waiting for a bus for up to an hour in the hot sun or in the pouring rain. Then, when you get to the transfer point, you may have to wait just as long for the connecting bus. Thus, getting from Concord to Martinez could take as long as three hours, could involve a fair amount of walking, and could require not having a medical condition that precludes being in the outdoors for an extended time.

And frequently, the buses aren't there when the schedule says. The bus could have been a few minutes early, in which case you must wait an extra hour, or it could just not show up.

Government-sponsored dental benefits provide another example of how the safety net is unraveling. It is a good thing that dental benefits have been restored under Medi-Cal. However, this was executed badly. The Medi-Cal rules are written in such a way that it isn't reasonably possible for a conscientious dentist to do an adequate job and get compensated for it.

I went on the website for 1-800 Dentist and put in my information. I needed X-rays and cleaning. The website found no matches. Presumably, they do not make referrals to horrible dentists. (FYI, any dentist who operates under a fictitious business name — for example, Western Dental — is likely to be horrible.)

Hate towards those who are economically less fortunate has risen. Classism and also hatred toward persons with psychiatric disabilities have become the new racism, even though racism hasn't gone away. When people want to sling their best insult at someone, "bipolar" is a good derogatory.

The prevalent belief is that if you are disabled, you should just pick yourself up and get a full-time job — you ought to be able to shrug off your disability. If you cannot earn a good living or if you are not independently wealthy, this is equated with turpitude, and the existence of a genuine impairment is not believed.

The "I did it, why can't you?" attitude, or perhaps the "I've got mine and I'm not sharing any" attitude, are hostile ways for the affluent to evade any innate responsibility for their fellow beings. Large numbers of people in our society don't want to be inconvenienced by someone who is suffering or is impoverished.

As a disabled person living on public benefits, it feels as if I have been penciled out of existence by some grand authority, one which expects me to disappear into nothingness, or who believes I ought to be jailed, homeless or just dead.

Tangled Up in Wounds

(Poem found under leaves in Golden Gate Park)

by George Wynn

"Oh God give me a warm
home far away from the
kick-ass cowards who
beat me up and set
fire to my tent

"I got a right to be alive
Do I deserve this: No, No, No!
Yes, I do like to beg
I'm good at panhandling
I have to be to survive

"Right now I'm tangled
up in blue like the song says
and tangled up in my wounds
and my nerves are burning
with the more ready to go
then ever before blues."

Reflections on the New Year—Elegies, Praise, Poems

"SERENITY BASE." A homeless person camps under a tree, seemingly exiled a long way from his native San Francisco. Painting by Christine Hanlon, oil on canvas, 50" by 150"

I have been thinking again about the French notion of liberty, fraternity (though now we'd say solidarity) and equality. I think I understand in a new way that these can be taken not just as political values, but also as a partial guide to how to conduct our lives.

by Peter Marin

Another Christmas, another New Year... How quickly they succeed one another now, with the spaces between, though deepening, somehow always shorter!

I am reluctant to write another message, want to cling, somehow, to silence, and yet there are frayed connections out there to friends I want to keep alive and intact, if only though these brief, sporadic, annual messages.

At my age, each year diminishes the numbers of surviving friends, and others seem further away, confronting their own problems and issues, and time and age and death become powers to be factored into the living equation of each life, and so connections — these hand-holds, lifelines, skeins and tangles of light — seem more important than ever.

And I think, too, that age, or let us call it "late-stage life," despite all of the interest in it and books about it, has yet to be fully understood or successfully described from inside. In terms of its odd and unexpected gifts (beside the losses), its progressions of experience, the origami changes and folds in time itself, its expansiveness and openings and the strange spaciousness in which interior immediacy becomes something other than it was before — ah, if only more men and women spoke from within it, describing it *as* experience!

Astonishing, the morphing of memories and waves of sensitivities that occur as changes and crises appear and pass, death comes close and draws away, the past, re-inspected, offers new revelations, the future, fore-shortened, changes the shape of each moment, and each moment, as it deepens and opens, becomes, or can become, the occasion for gratitude and praise...

Beyond that?

For some reason, these past few weeks I have been thinking again about the French notion of liberty, fraternity (though now, of course, we'd say solidarity) and equality, and I think I understand in a new way (a reflection of my age?) that these can be taken not just as political values, but also as a partial guide to how to conduct our lives.

I remain continually moved, still, when I see these elements in action, when I see people reaching across the imposed limits of class and gender and color to actually be *with* others, to stand with them against power and authority, or simply meet them face to face as comrades and equals.

Too many of us, I fear, have been schooled in a kind of noblesse oblige that becomes, in practice, noblesse obliteration: a way of even doing good that at the same time humiliates, subjugates, objectifies and insults those whose destinies we claim to want to improve.

This is, in part, what the phrase "class consciousness" means: the abyss between us and others, the limits to our empathy and care and the moral forgetfulness engendered by how, without thinking, we think.

Of course, I must quickly add that I know most of us, most of the time, probably do the best we can as time and circumstance and our own energies and lights and obligations (oh, so many!) permit. And yet, always, thank heavens, there are those who, as can we, do even better than most of us (and I include myself here) presently do.

So once again, as always, I want to thank those of you who struggle against the grain to bring value into the world as a living thing. That is, for me, along with the generosity of spirit and care we owe to those we love, and the stubborn and difficult telling of truth and, yes, the making of art, at least some of the time, foremost among the several ways we can, individually and together, keep alive the possibility of a just and decent future.

May the new year bring to us all what we truly need!

Also, for those who want to bother, please find a few imperfect gifts, below: elegies, praise, poems.

SPACES

by Peter Marin

Older,
in the spaces
between leaves, cells, notes and words
I can find a home where
nothing is. Or was
in forward spiraling time
at the edges of meanings, membranes,
too many dimensions to be named.
Everything slides into place,
out of sight. Waves. Particles. Strings
not angels on the head
of a dropped pin making
the sound of one clapping hand.
What a ride! Lost in the mysteries
beyond knowing, the antinomies
drifting by, the Forms not yet
in view. The singing of
angels/ to thy/ rest
is silence, wouldn't you
know it, on the old corner
in Brooklyn, before, then after,
where, even now, I am and am not
as death, as it will, comes to meet me.

CHRISTMAS DAY

by Peter Marin

In their long coats, laceless boots.
smelling of whiskey, of death, they
stand on corners or sit curbside
or lie on the grass of the park —
these angels, winged minions, sent
to remind us of conscience.
Ask them their names, they say
Sorrow, Pestilence, Hunger.
War and Regret, hands
dirty and worn in ragged gloves
testing our patience, our love.
Who can see them, these truths,
staring us in the face, demanding
we become better than we are?
Who turns away? Who will bring God
back into the world, born again,
this day, Christmas day?

TIPS

by Peter Marin

The tips
of my fingers
glow in the dark with the light
of the moon. Watch: my
spread arms become wings
in the waves of becoming
crossing what remains
of the night. Am I
ready? O yes: for the long
journey, the bridge of sighs
between life and death.
The last breath is the first
hint of the stillness
to come. Is it rest? Or forever?
We will die before knowing
or know after death — no
more can be said before going.

FOR FRED AGAIN

by Peter Marin

This rising of brightness
coming to meet us, this proximity,
this approach, this strange
nearness in withdrawal
as, passing over, the arc
of becoming becomes a crown:
the blue sky, the green and gold
of the trees,
the flames of existence
burning themselves into
the sweetness, the finality, of age...
Gratitude overflows the heart
to become the River of Life
on whose banks we celebrate.
Our glasses are raised in
the fabled Garden of the Gods
where death vanishes forever.
***L'chaim*, we say. To life. To life!**
How lucky we are to be here, together.

AGAIN

by Peter Marin

Beckoning
in the last silence
Lear is dancing on the heath
with Cordelia, Gloucester and the Fool
as if death did not exist.
Nothing has changed
into the plenitude of Becoming
without end. Waves of light
pass through the flesh
from suns too distant to be named.
We are energies enclosed by a skin
thickened inside into the mystery
of awareness, barely aware
of what we might be. On
the porch, sipping stale
coffee, I see the dead
come alive in the wood, fade
into the brightness between trees,
then emerge in silence and thought.
Invisible membranes tremble.
The air vibrates with aliveness.
Borne on wild currents of air
angels like surfers balance or fall
into teeming Leviathan seas.
All is a singing of praise,
a gift on this Christmas morning.

BALANCED

by Peter Marin

Balanced
on currents of light
like surfers on their waves —
here we are. The moments
unfold going back
to beginnings, forward
to the brightening end. Astonishing,
is it not: the complexities
becoming simple in
the immensities of thought?
Antinomies, said Kant, as the mind
drifts off the charts, into
the distances beyond. Plato
was right, something appears:
unexpected, unnamed, the visible
light of the Forms, though
still hidden. How close
the world is, fading away!
The dead gather, speak
in soft voices, affirming
who we are. In streets, on freights,
with comrades, there I was
at home, always in exile, one
place to another, seeking. Now
it is thought, the river of life,
carries me onward. The heart,
like an ark on a flood, comes
to shore, releasing its cargo —
whatever, whoever, I loved.
Birds fill the sky, beasts the forest —
a peaceable kingdom, found in the
mind, vivid, alive. Eden, again! I
ride the slow flow of the blood
home to where it began.